

Message Text

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ACTION EA-14

INFO OCT-01 EUR-25 NEA-14 ISO-00 CIAE-00 DODE-00 PM-07

H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01

SP-03 SS-20 USIA-15 DPW-01 IO-14 AID-20 SAJ-01 DRC-01

/165 W

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R 271145Z JUN 74

FM AMEMBASSY SAIGON

TO AMEMBASSY JAKARTA

INFO SECSTATE WASHDC 6276

AMEMBASSY BUDAPEST

AMEMBASSY TEHRAN

AMEMBASSY WARSAW

CINCPAC

UNCLAS SECTION 1 OF 2 SAIGON 8557

E.O. 11652: N/A

TAGS: PFOR, VS, VN, ID

SUBJECT: FOUR PARTY JOINT MILITARY TEAM

REF: A) JAKARTA 7717 (NOTAL)

B) SAIGON 8484 (NOTAL)

THIS MESSAGE PROVIDES SUPPLEMENTAL BACKGROUND TO
REF (B)

1. THE CURRENT PROBLEM CENTERS ON BOTH THE POINTS MENTIONED IN
PARA 2 (A) OF REF (A). HANOI DESIRE VAST EXPANSION OF
PRIVILEGES AND IMMUNITIES AND DOES WISH TO FORCE RVN TO
PUBLICLY AGREE TO MEASURE WHICH WOULD GIVE DE FACTO RECOGNITION
TO THE "PRG" AS ALEGITIMATE GOVERNMENT WHICH IT IS NOT.
IMMEDIATELY FOLLOWING THE CEASE-FIRE, THE FOUR PARTY JOINT
MILITARY COMMISSION (FPJMC) NEGOTIATED THE PRIVILEGES AND
IMMUNITIES AS STIPULATED IN THE PARIS AGREEMENT. THE RESULT
WAS AN ELEVEN-POINT MINUTE OF AGREEMENT.

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WM THE FOUR DELEGATIONS TO THE FPJMT SIGNED THE MINUTE OF

AGREEMENT ON MAY 3, 1973. ITS ELEVEN POINTS WERE INTENDED TO FORMALIZE THE RESPONSIBILITIES AND PROCEDURAL RELATIONSHIPS AMONG THE TPJMC AND FPJMT DELEGATIONS THROUGHOUT THE REPUBLIC OF VIETNAM, ON A RECIPROCAL BASIS. HANOI, HOWEVER, HAS NEVER PERMITTED JMC DEPLOYMENT TO AREAS OF SOUTH VIET-NAM UNDER ITS OCCUPATION AND HAS NEVER BEEN CALLED UPON TO APPLY THE ELEVEN POINTS IN THE ROLE OF HOST.

3. THUS, IN PRACTICAL TERMS, THE MINUTE OF AGREEMENT HAS SO FAR SERVED ONLY TO IMPOSE UPON THE GVN A NUMBER OF OBLIGATIONS IN TERMS OF PREROGATIVES AND SERVICES ACCORDED TO THE HANOI DELEGATIONS. EARLY ON, IN A SPIRIT OF ACCOMMODATION, THE GVN INFORMALLY AGREED TO GRANT SEVERAL ADDITIONAL PRIVILEGES NOT SPECIFICALLY SPELLED OUT IN THE ELEVEN POINTS; I.E., THE WEEKLY PRESS CONFERENCE AND EXTENSIVE FREE ACCESS TO THE PTT TELEPHONE SYSTEM. FURTHERMORE, AS THE SOLE HOST PARTY, THE GVN HAS BORNE THE ENTIRE FINANCIAL BURDEN OF SERVICING THE JMC ORGANIZATIONS, ALTHOUGH EXPENSES WERE SUPPOSED TO HAVE BEEN SHARED. NEVERTHELESS, THE GVN REPEATEDLY REAFFIRMED ITS INTENTION TO ABIDE BY THE TERMS OF THE MINUTE OF AGREEMENT. WITH THE EXCEPTION OF OCCASIONAL CURTAILMENTS OF THE LOC NINH LIAISON FLIGHT IN RESPONSE TO VARIOUS PROVOCATIONS, IT DID ADHERE TO THE TERMS OF THE MINUTE FOR MORE THAN A YEAR.

4. IN APRIL 1974, IN THE FACE OF NORTH VIETNAMESE INTRANSIGENCE AND THE COMPLETE REFUSAL OF HANOI TO IMPLEMENT ANY MEANINGFUL POINTS OF THE PARIS AGREEMENT, THE GVN ATTEMPTED TO PRESSURE ITS DELEGATIONS BY TERMINATING UNRESTRICTED TELEPHONIC COMMUNICATIONS WITH THEIR COMPOUND AND, IN CONTRAVENTION OF THE MINUTE OF AGREEMENT, STOPPING THE TWICE-WEEKLY HELICOPTER FLIGHTS FROM SAIGON TO LOC NINH. THEY ALSO STOPPED THE GRATUITUOUS WEEKLY PRESS CONFERENCE BY THE "PRG" SPOKESMAN.

5. IT WAS THIS UNDERSTANDABLE GVN ACTION WHICH PROMPTED HANOI FIRST TO OBSTRUCT DISCUSSION AND THEN TO BOYCOTT BOTH THE TPJMC AND FPJMT -- OSTENSIBLY UNTIL ALL ITS DELEGATIONS' PREROGATIVES WERE REINSTATED. HOWEVER, WHEN THE GVN DID RESTORE THESE PREROGATIVES ON JUNE 7, HANOI IMMEDIATELY LABELLED THE GVN ACTION INADEQUATE AND UNSERIOUS. A WEEK LATER, IT HAD ITS "PRG" DELEGATION PRESENT THE
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GVN WITH A NEW LIST OF PREROGATIVES WHICH GO FAR BEYOND THOSE WHICH IT HAD ACCEPTED FOR THE PAST YEAR AND HAD DECLARED THE PREREQUISITE FOR A RESUMPTION OF NORMAL JMC ACTIVITIES. AS A TOTAL PACKAGE, THE GREATLY EXPANDED LIST OF PRIVILEGES AND IMMUNITIES DEMANDED FOR THE "PRG" WOULD ATTRIBUTE TO IT ALL THE QUALITIES OF SOVEREIGNTY HELD BY GENUINE, LEGITIMATE STATES; IN EFFECT, THEY WOULD IMPLY DE FACTO RECOGNITION OF THE "PRG" BY THE RVN. AS SUCH, THE GVN CANNOT ACCEPT THE PACKAGE IN TOTO.

6. THE RVN DELEGATIONS AT BOTH THE TPJMC AND FPJMT HAVE NOT

REJECTED THESE VAST NEW DEMANDS. THE DELEGATION CHIEF HAVE SERIOUSLY OFFERED TO DISCUSS THESE DEMANDS. (THE GVN WOULD LIKE TO ENSURE SOME GENUINE RECIPROCITY.) HOWEVER, SINCE THE MATTER OF PRIVILEGES AND IMMUNITIES IS PROCEDURAL, NOT SUBSTANTIVE, SUCH DISCUSSIONS SHOULD BE HELD AT THE APPROPRIATE SUB-COMMITTEE OF EACH NEGOTIATING FORUM, TO ALLOW THE PLENARY SESSIONS TO CONTINUE TO HANDLE SUBSTANTIVE MATTERS. THE HANOI PARTIES HAVE REJECTED NEGOTIATIONS ON ANY SUBJECT WHILE INSISTING THAT THE RVN DELEGATION SIGN THE "PRG" DRAFT WITHOUT DISCUSSION.

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7. THE PROBLEM THUS CENTERS ON TWO POINTS: THE "PRG" DRAFT GOES WAY BEYOND THE PRIVILEGES AND IMMUNITIES STIPULATED BY THE PARIS AGREEMENT AND WAY BEYOND THE ELEVEN POINT MINUTE OF AGREEMENT. THE HANOI PARTIES ARE UNWILLING TO NEGOTIATE THIS NEW LIST, INSISTING ONLY THAT IT BE SIGNED WITHOUT DISCUSSION. UNLESS ITS FIAT IS ACCEPTED AND THIS NEW DOCUMENT SIGNED WITHOUT DISCUSSION, THE HANOI DELEGATIONS HAVE VOWED NOT TO ALLOW EITHER FORUM TO PROCEED.

8. IT IS ALWAYS DIFFICULT TO ESTIMATE THE DEVIOUS AND CONVOLUTED

MOTIVES OF HANOI. BASED ON PAST EXPERIENCE, HANOI NEVER NEGOTIATES SERIOUSLY UNLESS THINGS ARE GOING ITS WAY AND IT FEELS THERE ARE GAINS THAT CAN BE CONSOLIDATED AND CONFIRMED AT THE NEGOTIATING TABLE. THINGS HAVE NOT BEEN GOING WELL FOR HANOI LATELY. RECENT ATTEMPTS TO CONQUER MORE TERRITORY IN THE "IRON TRIANGLE" NORTH OF SAIGON, IN HAU NGHIA WEST OF SAIGON, IN KIEN TUONG IN THE DELTA AND IN BINH DINH ALONG THE CENTRAL COAST HAVE ALL BEEN REBUFFED HANDILY BY THE RVNAF. HANOI'S PROGRAM OF POLITICAL SUBVERSION REMAINS MORE OF A DREAM THAN A REALITY. IT NO LONGER EVEN TALKS UNCLASSIFIED UNCLASSIFIED

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ABOUT MAKING ITS OCCUPIED AREAS IN SOUTH VIET-NAM ECONOMICALLY VIABLE AND ADMITS, AMONG OTHER INTERNAL PROBLEMS, THAT ITS OWN ECONOMIC RECONSTRUCTION PROGRAM IS IN TROUBLE. NOW IS A TIME WHEN HANOI WANTS TO AVOID ANY SERIOUS NEGOTIATIONS WITH THE RVN, SINCE IT WOULD BE BARGAINING FROM A POSITION OF WEAKNESS. THE SUPERCILIOUS PRESENTATION OF UNREALISTIC DEMANDS FOR EXTRAORDINARY PRIVILEGES AND IMMUNITIES FOR ITS PUPPET PRG IS SIMPLY A TACTIC DEvised BY HANOI TO ESCAPE FROM AN AWKWARD SITUATION. IT RESORTED TO AN IMPLAUSIBLE NON-SEQUITUR TO PORTRAY ITS MANEUVER AS PRE-EMPTIVE: "ELIMINATING THE POSSIBILITY OF THE UNITED STATES AND THE SAIGON ADMINISTRATION BREAKING UP THE NEGOTIATIONS"*

9. FURTHERMORE, BEING BLOCKED ON THE SO-CALLED POLITICAL AND MILITARY "PRONGS" OF ITS OFFENSIVE, HANOI MUST ATTEMPT TO INCREASE THE PRESSURE OF THE DIPLOMATIC "PRONG." ESPECIALLY AT THE TIME WHEN CONGRESS IS CONSIDERING AID AND ASSISTANCE BILLS FOR SOUTH VIET-NAM, HANOI BELIEVES IT CAN FURTHER ITS CAMPAIGN TO WEAKEN US SUPPORT FOR THE RVN BY BARTERING ON THE EMOTIONAL ISSUE OF OUR MISSING PERSONNEL. THAT THIS EXPLOITATION OF THE FAMILIES OF 2,300 MISSING AND UNRECOVERED AMERICANS IS INHUMANE, DOES NOT BOTHER HANOI (OR ITS SUPPORTERS) IN THE LEAST.

10. IN OUR ESTIMATION, WHILE HANOI IS WILLING TO ENDANGER THE TPJMC AND THE FPJMT IF IT SEEMS POSSIBLE TO ELEVATE THE NEGOTIATIONS TO A LEVEL ABOVE THE VIETNAMESE PARTIES, IT DOES NOT INTEND TO DISRUPT EITHER BODY "PERMANENTLY". UNLIKE THE ICCS, WHICH IT CANNOT CONTROL COMPLETELY AND IS THEREFORE TRYING TO DISABLE TOTALLY, HANOI DOES VIEW THE TWO OTHER BODIES IN SOUTH VIET-NAM AS USEFUL FORA FROM WHICH TO PROPAGANDIZE. IT IS JUST THAT THERE IS NOT NOW IN HANOI'S ESTIMATION AN EXPLOITABLE SITUATION FOR PROPAGANDIZING: A STRATEGY OF "FIGHTING WHILE NEGOTIATING" DEPENDS ON THE FIGHTING PRODUCING EXPLOITABLE RESULTS. THE TPJMC AND FPJMT ARE THUS FORA THAT HANOI HAS PUT INTO TEMPORARY STORAGE. WHEN IT SUITS ITS PURPOSES, HANOI WILL RETURN TO THESE MEETINGS. IF IT JUDGES ITS POSITION TO HAVE IMPROVED, IT WILL HAVE ANOTHER GO AT NEGOTIATING BY FIAT; IF THE CONTRARY, IT WILL SEEK TO PROMOTE NEW PRETEXTS FOR EVADING ITS COMMITMENTS.

11. IN ORDER TO MEET EMBASSY JAKARTA'S POINT OF SOME TIME AGO

THAT MUCH INFORMATION IT RECEIVED WAS TOO HIGHLY CLASSIFIED TO
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USE WITH INDONESIAN OFFICIALS, WE HAVE CAREFULLY DESIGNED THIS
CABLE TO PERMIT IT TO BE UNCLASSIFIED. DEPARTMENT MAY WISH TO
REWORK IT INTO A STATEMENT WHICH MIGHT BE USED ON THE HILL,
PERHAPS INSERTED INTO THE CONGRESSIONAL RECORD, AND WIDELY
DISSEMINATED TO MISSIONS ABROAD.
MARTIN

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